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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA
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14 ROBERT E. MILES AND MAURICE)
15 HOWARD MILES, CO-SPECIAL)
16 ADMINISTRATORS OF THE ESTATE)
17 OF MARY L. MILES, DECEASED,)

18 Plaintiffs,)

19 vs.)

20 HELEN CAROL MERGEN, TRUSTEE)
21 OF THE HELEN S. MCBAIN 2000)
22 LIVING TRUST DATED SEPTEMBER)
23 7, 2000; HELEN CAROL MERGEN,)
24 INDIVIDUALLY, AND ANDREW)
25 MERGEN, INDIVIDUALLY, AND)
26 ALEXANDRA MERGEN,)
27 INDIVIDUALLY; RBC DAIN)
28 RAUSCHER INC., A MINNESOTA)
CORPORATION; AND DOES I)
THROUGH X AND ROE)
CORPORATIONS I THROUGH X)
INCLUSIVE,)

Defendants.)
_____))

Case No.: 2:08-cv-00740

STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR
DEFENDANTS TO RESPOND TO
PLAINTIFFS' MEMORANDUM IN
OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS

(First Request)

WHEREAS, on or about June 9, 2008, Plaintiffs filed a Complaint in the United States

1 Court, District of Nevada, Case No.: 2:08-cv-00740, alleging certain claims against Helen Carol
2 Mergen, individually and as Trustee of the Helen S. McBain 2000 Living Trust dated September
3 7, 2000, Andrew Mergen and Alexandra Mergen ("McBain") and RBC Dain Rauscher, Inc., n/k/a
4 RBC Capital Markets Corporation ("Dain Rauscher").

5 WHEREAS, Dain Rauscher and McBain both filed Motions to Dismiss on February 17,
6 2009.

7 WHEREAS, Dain Rauscher and McBain agreed to extend the time, up to and including
8 March 23, 2009, for Plaintiffs to respond to the Motions to Dismiss.

9 WHEREAS, counsel for Plaintiffs hereby agree to extend the time, up to and including,
10 Tuesday, April 14, 2008, for McBain to respond to Plaintiffs' Memorandum in Opposition to
11 Defendants Helen Carol Mergen, Individually and as Trustee of the Helen S. McBain 2000 Living
12 Trust, Alexandra Mergen and Andrew Mergen's Motion to Dismiss.

13 WHEREAS, counsel for Plaintiffs hereby agree to extend the time, up to and including,
14 Tuesday, April 14, 2008, for Dain Rauscher to respond to Plaintiffs' Memorandum in Opposition
15 to Defendant RBC Dain Rauscher, Inc.'s Motion to Dismiss.

16 This is the parties' first proposed stipulation and order with respect to the deadline by
17 which Defendants are to respond to Plaintiffs' Memorandum in Opposition to the Motions to
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Dismiss. This stipulation is made in good faith and is not submitted for the purpose of delay.

DATED this 2nd day of April, 2009

DATED this 2nd day of April, 2009

SOLOMON DWIGGINS & FREER, LTD.

FABIAN & CLENDENIN, P.C.

By: /s/ Jeffrey P. Luszeck, Esq.

By: /s/ Kevin N. Anderson, Esq.

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Attorney for Plaintiffs

Attorneys for Helen Carol Mergen, individually
and as Trustee of the Helen S. McBain 2000
Living Trust, Alexandra Mergen and Andrew
Mergen

DATED this 2nd day of April, 2009

LEWIS & ROCA, LLP

By: /s/ Emily G. Clark, Esq.

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Attorneys for Defendant RBC Dain
Rauscher, Inc.

IT IS SO ORDERED:



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

DATED: April 6, 2009